

## REMARKS

### 1. *35 U.S.C. 102(e) Rejections.*

Claims 1-3, 7, 9-11, 16-19, and 40 have been rejected under 35 U.S.C. 102(e) as being anticipated by Menelly et al (hereinafter “Menelly”). The claimed invention is distinct from the disclosure of Menelly. Menelly does not disclose the use of a kiosk to order menu items from multiple restaurants and in particular does not disclose the use of a kiosk to place a single order that is parceled among multiple restaurants and to pay for that order as a single transaction, thereby effectively making payment to multiple restaurants. Further Menelly makes no disclosures of “automated accounting for sales revenue for menu items sold by each restaurant”, ostensibly because Menelly does not anticipate an order comprised of menu items from multiple restaurants, and therefore no such accounting is required. Menelly merely discloses in paragraph 0022 the use by a park attendee of an ID bracelet to access a kiosk whereby “the attendee can choose a restaurant located in the park on a touch screen and order food directly at the kiosk” . . . “Once at the restaurant the cashier will have a scanner to read the attendee’s unique ID within the bracelet to authenticate payment by the attendee.” Thus the disclosure is for a park attendee to use a pre-issued ID bracelet to access a kiosk to place an order with one restaurant and for the cashier at that restaurant to authenticate payment by scanning the ID bracelet. It should also be noted that although Menelly identifies, in the last sentence of paragraph 0022, a commercially available kiosk which has a “credit card reader”, Menelly makes no disclosure regarding payment except that the cashier will scan the ID bracelet to authenticate payment. Applicant has also amended independent Claim 1 to clarify the further limitation of the method of the present invention as being deployed for

a food court comprised of a plurality of restaurants “at a common location” and to clarify the further limitation that the service step makes the selected menu items available for delivery to the customer “at the food court”. Since the cited reference fails to teach all of the recited limitations as identified above, the reference does not anticipate the claims. Further, the 35 U.S.C. 102(e) rejection of Claims 1 has also been overcome by the clarifying amendments to Claim 1. The rejections of Claims 2, 3, 7, 9-11, and 16-19, which depend from Claim 1, have likewise been overcome.

With regard to independent Claim 40, applicant respectfully asserts that Menelly does not disclose all of the limitations of elements a), b), c), d) or f). As noted above, Menelly merely discloses a kiosk accessed by a park attendee through use of an ID bracelet and used to place an order at a restaurant, and a scanner at the restaurant for use by the cashier to authenticate payment. Menelly does not disclose a kiosk that accepts an order comprised of menu items from multiple restaurants and thus the kiosk of Menelly does not embody all of the limitations of the order station of the present invention as described in the detailed description. See for instance paragraphs 0026-0028 of the present application. Similarly Menelly does not disclose a kiosk that accepts payment for an order comprised of menu items from multiple restaurants and thus the kiosk of Menelly does not embody all of the limitations of the payment station of the present invention as described in the detailed description. Further, Menelly does not disclose the restaurant touch screen, delivery screen, or communication means linking the restaurant touch screens and the delivery screens to other components, as each of these items is described in the detailed description. Applicant has also amended independent Claim 40 to further clarify the limitation that the apparatus is for a food court comprised of a plurality of

restaurants at a common location. Menelly does not make this disclosure. Since Menelly does not disclose all of the recited limitations, the reference does not anticipate Claim 40.

Based upon the foregoing remarks and the foregoing amendments, applicant asserts that the 35 U.S.C. 102(e) rejection of Claims 1-3, 7, 9-11, 16-19, and 40 has been overcome, and applicant respectfully requests withdrawal of the rejection.

**2. 35 U.S.C. 103(a) Rejections.**

Claims 5, 6, 8, 26, and 27 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Menelly in view of Shah et al. (hereinafter “Shah”). Applicant respectfully suggests, based upon the foregoing remarks and the foregoing amendments to Claim 1, that Claim 1 and its dependent claims are allowable over the prior art, and thus that the rejection of Claims 5, 6, and 8 has been obviated. Applicant also suggests that, based upon the remarks presented below and the clarifying amendments to Claim 22, that Claim 22 and its dependent claims are allowable over the prior art, and thus that the rejection of Claims 26 and 27 has been obviated. Since the cited references fail to teach all of the recited limitations, the references do not render the claims obvious.

With respect to Claims 26 and 27, it should first be noted, referring to independent Claim 22, that Menelly does not disclose an order means for automated self selection of menu offerings from multiple restaurants for an order, payment means for automated self payment for an order of menu items from multiple restaurants, service means for advising customers of ready items at multiple restaurants, or accounting means for automated accounting of revenue for each restaurant. Further, applicant has amended independent Claim 22 to further clarify the distinctions of the invention over the combined disclosures of Menelly and Shah. First, Claim 22 has been amended to recite that the plurality of

restaurants is “at a common location”. Second, Claim 22 has been amended to recite that the service step makes the selected menu items available for delivery to the customer “at the food court”. Since the cited references fail to teach all of the recited limitations of Claim 22, the references do not render dependent Claims 26 and 27 obvious.

Further, it should be noted that there is a lack of motivation for combining the use of kiosk-ordered food at an amusement park, as is disclosed by Menelly, with the use of biometrics at a kiosk as disclosed by Shah. The lack of motivation is evident from the lack of commercial adaptation of such a method or device for obtaining food using biometrics in the industry despite the fact that the kiosk-ordered food has been publicly available from at least June 27, 2002, the publication date of the Menelly reference.

Claims 4, 12, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menelly in view of Neeley. Applicant respectfully suggests that the amendment to independent Claims 1 and 22 which renders Claims 1 and 22 allowable over the prior art has obviated the rejection of dependent Claims 4, 12, and 25. Since the cited references fail to teach all of the recited limitations, the references do not render the claims obvious.

Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menelly in view of Lynn et al. (hereinafter “Lynn”). Applicant respectfully suggests that the amendment to independent Claim 1 which renders Claim 1 allowable over the prior art has obviated the rejection of dependent Claims 20 and 21. Since the cited references fail to teach all of the recited limitations, the references do not render the claims obvious. Further, it should be noted that there is a lack of motivation for combining the use of kiosk-ordered food at an amusement park, as is disclosed by Menelly, with the use of a railroad delivery system to deliver food in a restaurant as disclosed by Lynn. The lack of

motivation is evident from the lack of commercial adaptation of such a method for obtaining food using a railroad delivery system in the industry despite the fact that the railroad delivery system to deliver food has been publicly available from at least September 18, 2001, the publication date of the Lynn reference.

Claims 13-15, 22-24, 28-31, and 33-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menelly in view of Gibson et al. (hereinafter "Gibson"). The Menelly and Gibson disclosures are distinct from the claimed invention. Applicant respectfully suggests that the amendment to independent Claim 1 which renders Claim 1 allowable over the prior art has obviated the rejection of dependent Claims 13-15. Since the cited references fail to teach all of the recited limitations, the references do not render Claims 13-15 obvious.

As discussed above, Menelly does not disclose an order means for automated self selection of menu offerings from multiple restaurants for an order, payment means for automated self payment for an order of menu items from multiple restaurants, service means for advising customers of ready items at multiple restaurants, or accounting means for automated accounting of revenue for each restaurant. Further, applicant has amended independent Claim 22 to clarify the distinctions of the invention over the combined disclosures of Menelly and Gibson. First, Claim 22 has been amended to recite that the plurality of restaurants is at a common location. Second, Claim 22 has been amended to recite that the service means makes the selected menu items available for delivery to the customer at the food court. Since the cited references fail to teach all of the recited limitations, the references do not render the claims obvious. The 35 U.S.C. 103(a) rejection of Claim 22 having been overcome, the rejection of Claims 23-24, 28-31, and

33-37, which depend from Claim 22 have likewise been overcome.

With respect to both independent Claims 1 and 22 and their dependencies, it should be noted that there is a lack of motivation for combining the use of (or device used to obtain) kiosk-ordered food at an amusement park, as is disclosed by Menelly, with distributing kiosk-generated revenue (or device used to account for the revenue) as disclosed by Gibson. The lack of motivation is evident from the lack of commercial adaptation of a method (or device) for obtaining kiosk-ordered food while distributing kiosk-generated revenue in the industry, despite the fact that the kiosk-ordered food has been publicly available from at least June 27, 2002 (the publication date of the Menelly reference).

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Menelly in view of Gibson in further view of Neeley. Applicant respectfully suggest that the amendment to Claim 22 which renders Claim 22 allowable over the prior art has obviated the rejection of Claim 32.

Claims 38, 39, 41, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menelly in view of Gibson in further view of Lynn. Applicant respectfully suggest that the amendment to independent Claim 22 which renders Claim 22 allowable over the prior art has obviated the rejection of dependent Claims 38 and 39. Furthermore, the combined disclosures of Menelly, Gibson, and Lynn are distinct from the claimed invention. Regarding Claims 41 and 42 which depend from Claim 40, as stated above applicant respectfully asserts that Menelly does not disclose all of the limitations of elements a), b), c), d) or f). Applicant has also amended independent Claim 40 to further clarify the limitation that the apparatus is for a food court comprised of a

plurality of restaurants at a common location. Menelly in view of Gibson and Lynn does not make this disclosure. Since Menelly in view of Gibson and Lynn does not disclose all of the recited limitations, the reference does not anticipate Claim 40. The 35 U.S.C. 103(a) rejection of Claim 40 having been overcome by the amendment, the rejection of Claims 41 and 42, which depend from Claim 40 have likewise been overcome.

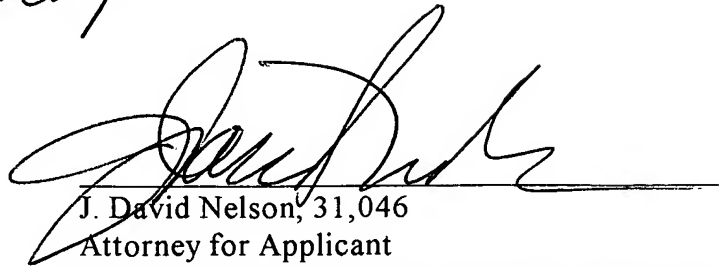
Still further, it should be noted that there is a lack of motivation for combining the use of (or device for) kiosk-ordered food at an amusement park, as is disclosed by Menelly, with distributing (or accounting for) kiosk-generated revenue, as disclosed by Gibson, and the use of (or device for) a railroad delivery system to deliver food in a restaurant, as disclosed by Lynn. The lack of motivation is evident from the lack of commercial adaptation of such a method (or device) for obtaining kiosk-ordered food using a railroad delivery system in the industry despite the fact that the railroad delivery system to deliver food has been publicly available from at least September 18, 2001 (the publication date of the Lynn reference). And the lack of motivation is evident from the lack of commercial adaptation of such a method (or device) for obtaining kiosk-ordered food with distributing kiosk-generated revenue in the industry despite the fact that the railroad delivery system to deliver food has been publicly available from at least September 18, 2001, the publication date of the Lynn reference.

### **3. Conclusion.**

In view of the foregoing amendments and remarks, applicant respectfully suggests that Claims 1-42 are now in condition for allowance. If the Examiner believes that the prosecution of this application may be expedited by telephone conference, applicant

invites the Examiner to telephone applicant's attorney.

Dated this 17 day of May, 2006.

A handwritten signature in black ink, appearing to read "J. David Nelson", is written over a horizontal line.

J. David Nelson, 31,046

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